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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/859,276	05/20/1997	MASAHIRO SUZUKI	JAO32382	7543

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/16/2003

29

Please find below and/or attached an Office communication concerning this application or proceeding.

70

Office Action Summary

Application No.

08/859,276

Applicant(s)

SUZUKI ET AL.

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31, 36, 41 and 46-57 is/are pending in the application.
- 4a) Of the above claim(s) 46-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31, 36 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/12/2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31, 36, 41 and newly added 46-57 filed on 6/12/2003 have been considered but are moot in view of the new ground(s) of rejection.

3. Newly submitted claims 46-57 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Newly added claims 46-57 are reinstated of formerly claims 32-35, 37-40 and 42-45, respectively. Claims 32-35, 37-40 and 42-45 withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, as indicated in paper No. 22 mailed on 7/31/2002. Therefore, claims 46-57 are also drawn to a nonelected species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

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on the merits. Accordingly, claims 46-57 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 10-17, 20-25, 28-31, 36, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (US 4,937,673) in view of Hashimoto et al. (US 5,815,201) further in view of Kawakami et al. (US 4,660,102).

Regarding claim 1, Saito et al. disclose an electronic camera comprising an image device disclosed as CCD 6 (figures 1A-1B, column 3, lines 27-34); a sound recording device, disclosed as microphone 13 (figures 1A-1B, column 3, line 9); a storage medium, disclosed as magnetic tape 22 (figures 1A-1B, column 5, lines 43-47); a release switch, disclosed as shutter release button 42 (figures 1A-1B, column 4, lines 41-45); a control device that connects to the sound recording device, the storage medium, and the sound effect output device; wherein while in the recording mode, the control device controls the sound effect output device to prevent outputting sound effect when the release switch initiates the process of forming images (system controller 41 prevents the noise of the wind or rewind operation (sound effect) of the film in the camera from being recorded as a noise during a movie shooting of the video camera unit, figures 1A-1B,

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column 1, lines 60-65, column 6, lines 6-60. This clearly indicates that noise (sound effect) is prevented from outputting.

Saito et al. fail to specifically disclose an imaging device that forms digital images of a subject; and storage medium that stores at least one of the digital images formed by the imaging device and the sounds input by the sound recording device. However, Hashimoto et al. disclose an electronic camera, which forms digital images of a subject and records digital images and audio input by microphone 1 into memory 16 (figure 8, column 7, lines 13-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Saito et al. by the teaching of Hashimoto et al. in order to provide a camera, which can transmit both image and audio information out of the camera (column 1, line 66 - column 2, line 1-2).

Saito et al. and Hashimoto et al. fail to specifically disclose a sound effect output device that outputs a preset sound effect when the release switch is operated. However, Kawakami et al. teach that when the shutter release button 142 of the camera is activated, in order to clearly notify the recording operation to the operator, a tone generating device (sound effect output device) may be arranged so that a pseudo-shutter sound (sound effect) is produced when the recording operation on the magnetic disk 124 is initiated (col. 4, lines 29-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Saito et al. and Hashimoto et al. by the teaching of Kawakami et al. in order to clearly notify the recording operation to the operator (col. 4, lines 44-49).

Regarding claim 2, Saito et al. disclose a view finder as view finder 70 (figures 1AB, 2, column 3, lines 10-15). Saito et al., Hashimoto et al. and Kawakami et al. do not disclose an

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information output device that outputs visual information within the viewfinder. However, it is noted that using an information output device that outputs visual information within the viewfinder, such as a red LED flashing on the viewfinder, is well known in the art. Therefore, Official Notice is taken and it would have been obvious to one of ordinary skill in the art at the time the invention was made to include such device in the device of Saito et al., Hashimoto et al. and Kawakami et al. in order to inform what kind of operation camera to the user.

Regarding claim 3, Kawakami et al. disclose the preset sound effect is a shutter sound effect (pseudo-shutter sound, col. 4, lines 44-49).

Regarding claim 4, Saito et al. disclose the storage medium stores the images and the sounds together (column 5, lines 43-47).

Regarding claims 10-13, Saito et al. disclose the video signal and the sound signal are mixed and recorded on magnetic tape 22 (column 5, lines 43-48). Kawakami et al. disclose a reproducing unit reproduces video signals recorded on magnetic disk (a sound playback device, column 5, lines 7-15). Saito et al. and Kawakami et al. do not disclose a sound removing device. However, this is not a patentable distinction. The use of a sound removing device is so notoriously well-known as a way to removing sound effect in the sound recorded in order to get the desired sound recorded together with the images.

Regarding claim 14, Kawakami et al. disclose a display as monitor unit 210 (see figure, column 3, line 55).

Regarding claim 15, Saito et al. disclose an illumination device as strobe light 55 (figure 1A, column 3, line 7).

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Regarding claim 16, all the limitations are contained in claim 1. Therefore, see Examiner's comments regarding claim 1, except the limitation indicating means, which is disclosed by Saito et al. as shutter release button 42 (figure 1B, column 4, lines 41-45).

Regarding claim 17, it is considered analogous to claim 2. Therefore, see Examiner's comments regarding claim 2.

Regarding claim 20-23, they are considered analogous to claims 10-13. Therefore, see Examiner's comments regarding claim 10-13.

Regarding claims 24-25 and 28-30, these claims are method claims of apparatus claims 16-17 and 20, 22-23, respectively. Therefore, claims 24-25 and 28-30 are rejected for the same reasons given respect to claims 16-17 and 20, 22-23.

Regarding claims 31, 36, 41, Kawakami et al. disclose the preset sound effect is customizable (col. 4, lines 29-49).

6. Claims 5-9, 18-19 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (4,937,673) in view of Hashimoto et al. (US 5,815,201) and Kawakami et al. (US 4,660,102) in view of Arai et al. (US 5,576,758).

Regarding claims 5-6, Saito et al., Hashimoto et al. and Kawakami et al. do not explicitly disclose a setting device that sets a photographic environment and the setting device is a compression device. However, Arai et al. teach a digital electric still camera in which the image data is compressed before being recorded and data compression rate is selectable by operating a picture mode button (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the camera in Saito et al., Hashimoto

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et al. and Kawakami et al. by the teaching of Arai et al. in order to let the photographer can learn from the reproduced photographic scenes the optimum data compression rate for various scenes, and can select a suitable data compression rate during photographing (col. 2, lines 5-10).

Regarding claims 7 and 9, Kawakami et al. disclose sound effects as pseudo-shutter sound (col. 4, lines 44-49). Arai et al. disclose the compression rate (col. 3, lines 20-30). It is obvious that the frequency of the sound effect is changed based on the selected compression rate in order to be recorded sound associated with image data at different compression rate.

Regarding claim 8, Arai et al. disclose the setting device further sets an information input apparatus operating mode (col. 3, lines 10-47).

Regarding claims 18 and 26, each of these claims is considered analogous to claims 6 and 7. Therefore, see Examiner's comments regarding claim 6 and 7.

Regarding claims 19 and 27, each of these claims is considered analogous to claim 8. Therefore, see Examiner's comments regarding claim 8.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to:

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
7/14/2003


NGOC-YEN VU
PRIMARY EXAMINER